

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No. 15-20382
Hon. Victoria A. Roberts

PAUL NICOLETTI,

Defendant.

/

DEFENDANT'S MOTION TO DISMISS
BASED UPON PROSECUTORIAL MISCONDUCT AND GRAND JURY ABUSE

Defendant Paul Nicoletti, by and subject to a Limited Appearance for the purposes of this motion, requests that this Court grant his motion for the following reasons:

1. Defendant is charged in a four-count indictment, with one count of conspiracy to commit bank fraud and three counts of aiding and abetting bank fraud.
2. The conduct alleged occurred in 2005, during the pervasive mortgage loan industry misconduct involving mortgage loans, which led in significant part to the financial crisis of 2008.
3. This motion is filed by the Defendant on the basis that the Prosecution along with the FBI, falsely represented to this court as well as the Grand Jury, that the “Lender” was Fifth Third Bank, which it was not.
4. Moreover, the Prosecution cannot prove among other elements, that the financial institution at issue (Fifth Third Mortgage-MI, LLC) was insured by

the FDIC.

5. The Prosecutor has been contacted for concurrence and he has failed to concur in the relief sought.

WHEREFORE, Defendant requests that the Court dismiss all charges with prejudice.

Respectfully Submitted,

/s/ Paul J. Nicoletti
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Dated: June 22, 2018

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2018, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to the attorneys of record.

/s/ Paul Nicoletti